REMARKS

With entry of this amendment, claims 1, 4-9, and 39 are pending and under examination. Applicants have amended claim 1 to recite "at least one additive chosen from humectants, UV absorbers, UV dispersants, plant extracts, astringents, anti-inflammatory agents, whiteners, skin function accelerators, aromatics, antiseptics, bactericides, thickeners, sequestering agents, refrigerants, and deodorizers." The specification supports this amendment at, for example, page 19, lines 1-14. Applicants also added new claim 39. The specification supports this new claim at, for example, page 25, line 23 to page 26, line 5. These amendments do not introduce new matter.

Claims 1 and 4-9 remain rejected under one or more of obviousness-type double patenting and 35 U.S.C. §§ 102 and 103. Applicants address these rejections below.

Double Patenting

The Office provisionally rejects claims 1 and 4-9 on the ground of obviousness-type double patenting in light of claims 1 and 3-15 of Application No. 10/574,696. Office Action, p. 4. According to the Office, the claims in Application No. 10/574,696 are drawn to the same composition recited in the instant claims. *Id.* Applicants traverse.

Contrary to the Office's description of the claims in Application No. 10/574,696, the claims in this application, which were allowed on November 20, 2008, recite a method for promoting collagen production and are not directed to compositions. Specifically, independent claim 1 in Application No. 10/574,696 reads as follows:

> 1. A method for promoting collagen production, comprising applying to the skin a composition comprising at least one purine nucleic acid-related substance and at least one pyrimidine nucleic acid-related substance, wherein the purine nucleic acid-related substance is chosen from adenosine phosphate and salts of adenosine phosphate and wherein the pyrimidine nucleic acid-related substance is

chosen from uridine monophosphate and salts of uridine monophosphate.

Moreover, neither independent claim 1 nor its dependent claims in Application No. 10/574,696 recite "at least one additive chosen from humectants, UV absorbers, UV dispersants, plant extracts, astringents, anti-inflammatory agents, whiteners, skin function accelerators, aromatics, antiseptics, bactericides, thickeners, sequestering agents, refrigerants, and deodorizers" as recited in instant claim 1. Because none of the claims of Application No. 10/574,696 recite these additives, one of ordinary skill in the art would not have found the instant claims obvious in light of the allowed method claims in Application No. 10/574,696. Applicants therefore request that the Office withdraw this rejection.

Rejection Under 35 U.S.C. § 102

The Office rejects claims 1 and 6-9 as allegedly anticipated by US Patent 4,544,559 (Gil). Office Action, p. 5. Gil allegedly teaches a composition for nucleotide-enriched humanized milk containing CMP, GMP, IMP, AMP and UMP and allegedly teaches the ratio recited in claim 6. *Id.*

Solely to advance prosecution and without acquiescing in the rejection, Applicants amended claim 1 to recite "at least one additive chosen from humectants, UV absorbers, UV dispersants, plant extracts, astringents, anti-inflammatory agents, whiteners, skin function accelerators, aromatics, antiseptics, bactericides, thickeners, sequestering agents, refrigerants, and deodorizers." The additives recited in claim 1 cannot be used in a composition for internal use (i.e., one that would be taken inside the body).

Applying Gil against amended claim 1, Gil teaches a nucleotide-enriched humanized milk formulation designed for ingestion by infants. Given that the additives recited in claim 1 are not compatible with ingestion, Gil cannot anticipate claim 1 or dependent claims 6-9. Indeed, Gil does not teach any of the additives recited in claim 1. Because Gil does not teach each and every element of independent claim 1 expressly or inherently, Gil cannot anticipate claims 1 and 6-9. Applicants therefore request that the Office withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Claims 1 and 4-9 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over US Patent 4,758,553 (Ogoshi). Office Action, p. 8. The Office contends that Ogoshi teaches a composition of nucleic acid components, including AMP and UMP and salts thereof, for nutritional placement. *See Id.* In addition, the Office also believes that Ogoshi teaches the ratio recited in claim 6 and that Ogoshi's "concentrations of AMP and UMP in w/v% . . . are expected to fall within the weight percentage ranges as claimed." *Id.* at 8-9.

Like Gil, however, Ogoshi also teaches compositions that are designed for internal use. Specifically, Ogoshi's compositions provide nutrition to patients who have impaired protein metabolism or who have difficulty taking in nutrition orally. *See, e.g.,* col. 1, lines 32-56; col. 2, lines 51-57; and col. 6, lines 16-21. Thus, Ogoshi's compositions are parenteral formulations for administration into the body via routes other than the digestive tract. Regardless of what route the skilled artisan uses to deliver Ogoshi's compositions, the fact remains that Ogoshi's compositions would be taken into the body. In contrast, the additives recited in claim 1 are not compatible with

internal use. Thus, because Ogoshi does not teach the additives of claim 1, this reference would not have rendered claims 1 and 4-9 obvious. Applicants request that the Office withdraw this rejection accordingly.

Conclusions

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of claims 1, 4-9, and 39.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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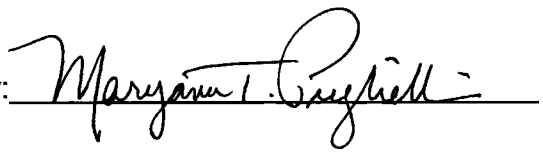
Dated: January 8, 2009

By: 

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